

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 04/2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF TEXAS
Houston DIVISION

United States Courts
Southern District of Texas
FILED

AUG 28 2023

Nathan Ochsner, Clerk of Court

Darhawn Littlejohn 02929710
Plaintiff's Name and ID Number

Harris County Jail
Place of Confinement

CASE NO. _____
(Clerk will assign the number)

PR

MCSD Deputy J. DAVIS #1 Criminal Justice Drive Conroe TX
Defendant's Name and Address

MCSD 1200 BAKER Street Houston TX
Defendant's Name and Address

HOUSTON POLICE Department, Houston TX
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.

2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.

3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.

4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS (IFP)

USE THE REVERSE
SIDE OF THIS
FORM TO
FILE THE SAME
DOCUMENT AS A
SHORT AND

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of \$402.00.

2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.

3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)

4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

PREVIOUS LAWSUITS:

A. Have you filed any other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: Year 2021

2. Parties to previous lawsuit:

Plaintiff(s) DAYAMON LITTLEJOHN 373677

Defendant(s) MCSD #1 Criminal Justice Drive, Conroe TX

3. Court: (If federal, name the district; if state, name the county.) Southern District of Texas

4. Cause number: N/A At this time

5. Name of judge to whom case was assigned: U.S. Judge Geogre Hanks

6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed

7. Approximate date of disposition: N/A at this time

II. PLACE OF PRESENT CONFINEMENT: Harris County Jail Houston TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES ☒ NO Nothing to grieve
 Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Dan L. Littlejohn 1200 Baker Street
Houston TX 77002

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: MCSD Deputy J. Davis; Montgomery County Sheriff's Office
#1 Criminal Justice Drive Conroe, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Search my vehicle after I told him he could not without a warrant

Defendant #2: MCSD Deputies #1 Criminal Justice Drive Conroe, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Illegally seized property from my personal vehicle, handled money

Defendant #3: MCSD #1 Criminal Justice Drive

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

gave illegally obtained property to Houston Police Department and Harris County Sheriff's Office

Defendant #4: Houston Police Department, Downtown Houston, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Plans to use illegally obtained evidence against me in a pending criminal case

Defendant #5: MCSD 1200 Baker Street

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Plans to use illegally obtained evidence against me in a pending criminal case
in the courts of 228

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

This happened April 2021, officers of Montgomery County Sheriff office illegally search my vehicle when I told them no they need a search warrant. They illegally seized personal property, 50,000 in cash guns, and damages to my vehicle during search. They took my money and put it in their County bank account, took the guns, GAVE IT to Harris County Sheriff Office and Houston Police Department. and left damages to my vehicle. HPD and HCSD plans to use illegally obtained evidence in a pending criminal case in Houston. About \$20,000 was reported and around \$30,000 missing.

Violation of 4th & 14 Amendment, Tex Crim Code Proc Art 38.23

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Want missing compensation. And weapons illegally seized suppressed in criminal case. Compensation for emotional distress, pain and suffering, mental disorder, false imprisonment.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Daytawn Littlejohn

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

02436549

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☒ YES ☐ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): Southern District of Texas

2. Case number: N/A at this time

3. Approximate date sanctions were imposed: N/A at this time

4. Have the sanctions been lifted or otherwise satisfied?

YES ☒ NO ☐

Case 4:23-cv-03286 Document 1 Filed 08/29/23 in TXSD Page 8 of 8
And HCSD is planning to use that illegally obtained evidence on a pending criminal case in Houston I've been fighting this case since April 2021. That when I filed lawsuit about MCSO deputies jumped me in court. MCSO has violated all my civil rights. Its only right I stand up for myself. I've been deprived of my possessions and force to fight this system all alone with little support. NOT ONLY MY CONSTITUTIONAL rights been violated so is Tex CODE CRIM PROC. ART 38.23 (Evidence not be used), I want missing compensation. And weapons illegally obtained, suppress and deemed inadmissible to use against me in a trial, especially out of county and jurisdiction.

I am indigent I would like a court appointed lawyer represent me on this matter.

Also when AG AS on Public Servant in MCSO was dismissed and I signed 8 years TDCJ-ID for evading arrest. I agreed with the 9th District Court and signed destruction of evidence form, including firearms.

GOD BLESS AMERICA

8-19-23

X Daytawn Littlejohn

PRO SE

Case 4:26-cv-03186 Document 1 Filed 08/29/23 Entered 08/29/23 14:08:00 Page 6 of 8

I was stopped for speeding. I didn't pull over, it turned into a police chase. I was booked on charges for evading arrest in a vehicle, and AG AS on Public Servant with vehicle was added. It was me (Dayton Littlejohn), Elizabeth Schreden and Ari the DOG inside of the vehicle at the time of the pursuit. Once the chase ended I pulled off public Highway 145 into a private gas station. I placed the vehicle in Park turn off the vehicle and ME and Elizabeth both got out the vehicle and followed officers commands for the safety of the officers, Ari the DOG, AND US. Ari the DOG was left in the vehicle. I owned the vehicle and the keys were in my possession. I was first handcuffed and throw in the back of the police car. Soon Montgomery County Sheriff officers came and asked me questions about things pertaining the pursuit. Deputy soon asked me if he could search my vehicle. I told him no he needs a search warrant. At this time DOG impound has removed Ari the DOG out of the vehicle safely. Once I told officers NO he couldn't search my vehicle. I was driven off the police scene by a officer, while I witness officers going thru my personal property without my consent. I also had money stashed in Elizabeth brown purse, but I had the purse on my persons when I first got out of the vehicle. I also had loose money inside of the vehicle. I later bond out of jail, go to get my truck from the impound yard. I soon discovered the vehicle was searched, money missing, guns missing, damages to my vehicle and personal paperwork had been removed and placed in a spot it wasn't left. I soon go to MCSO and asked about the missing money (\$5,000) and was told it up deposited into the county bank account until I prove it was mines, And about the weapons was being investigated and I said what for he said couldn't tell me and complained about the damages to my vehicle. He said I would have to make a claim with another department about that. My 4th Amendment and 14th Amendment has been violated. MCSO gave illegally obtained evidence to Houston Police Department.

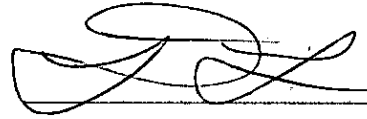
C. Has any court ever warned or notified you that sanctions could be imposed? ☒ YES ☐ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): Southern District of Texas
2. Case number: N/A At this time
3. Approximate date warning was issued: N/A At this time

Executed on: 8-19-23

DATE



(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this

19th

(Day)

day of

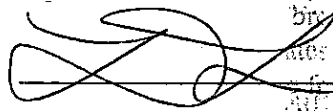
August

(month)

, 20

23

(year)



(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name Dayton Littlejohn
SPN 62929710 Cell 2K2
Street 1700 Baker Street
HOUSTON, TEXAS 77002



United States Courts
Southern District of Texas
FILED

AUG 28 2023

Nathan Ochener, Clerk of Court

INDIGENT

LEGAL MAIL

NORTH HOUSTON TEXAS

24 AUG 2023PM 5:11

US POSTAGE PITNEY BOWES



ZIP 77002 \$ 000.87
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0000368784 AUG. 24. 2023

DAVID J. Bradley

Clerk of Court

P.O. Box 61010

Houston TX 77208

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